



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Jay DeBoer
Director
Virginia Department of Professional and Occupational Regulation

Mark Courtney
Virginia Department of Professional and Occupational Regulation

From: Steven P. Jack
Assistant Attorney General

Date: August 12, 2008

Subject: Memorandum of Authority for Proposed Amendments to Public Participation Guidelines, 18 VAC 120-11 *et seq.*

I reviewed the proposed amendments to the Public Participation Guidelines, 18 VAC 120-11-10 *et seq.*, by the Board of Professional and Occupational Regulation (hereinafter "Board"). In my view, as counsel to the Virginia Department of Professional and Occupational Regulation, the Board may promulgate these regulations, pursuant to §§ 2.2-4007.02 and 54.1-201, 54.1-831 and 54.1-1802 of the *Code of Virginia*. The proposed regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law.

Adoption of the above Regulations is exempt from the provisions of the Virginia Administrative Process Act, §§ 2.2-4000, *et seq.* of the Code of Virginia, pursuant to Chapter 321 of the 2008 Virginia Acts of Assembly [HB 1167].

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed as a comment for or against the merits of the proposed regulations.